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April 28, 2008

Mr. Lee H. Sim, P.E.
Assistant State Engineer for Field Services
Department of Natural Resources
Division of Water Rights
1594 West North Temple, Suite 220
Salt Lake City, UT 84114

Re: Morgan Secondary Water Association

Dear Mr. Sim,

RECEIVED
APR 29 2008 *m*
WATER RIGHTS
SALT LAKE

I am writing on behalf of Morgan Secondary Water Association ("Morgan Secondary") which is a Utah Cooperative comprised of the five irrigation companies in the Morgan, Utah area. The five companies are, South Morgan Water Ditch Company, Weber Canal Company, North Morgan Irrigation Company, Welch Field Ditch Company, and the East Richville Ditch Company (collectively "Companies"). The purpose of the Cooperative is to allow the Companies to work together to provide secondary water through a pressurized piped system in the Morgan area.

As you will recall, last spring an issue arose as to the allocation of water between the irrigation systems operated by each of the Companies and the piped secondary system operated by Morgan Secondary. At that time you sent me a letter, dated April 19, 2007, advising Morgan Secondary and the Companies that if they wanted to allocate water in a manner different from the distribution schedule of the Weber River Commissioner, a written statement should be provided to the Commissioner advising him of the desired allocation and he would "adjust water deliveries accordingly."

Since that time Morgan Secondary and its member Companies have given careful consideration to how to best allocate their water between the irrigation and secondary systems in order to maximize beneficial use of the Companies' water rights, and to provide efficient and reliable water deliveries to both those who still rely on the irrigation systems for delivery of water and those who utilize the secondary system.

After much thought and consideration, Morgan Secondary and the Companies propose to allocate water based on the following principles:

1. Under the water rights of each Company, the Weber River Decree provides for a maximum diversion flow according to the flows in the Weber River. The flows of the river are categorized as (a) Flood; (b) High; and (c) Low.
2. At any one time the combined diversion at all of the points of diversion of the Companies and the Morgan Secondary will not exceed the maximum diversion allowed by the Decree for the Companies' water rights. However, the allocation may vary between the irrigation systems and the secondary system depending upon needs and the requirement that the secondary system be pressurized at all times.
3. The point of diversion for the irrigation systems are in a separate location from that of the secondary system.
4. Measuring devices at all points of diversion will document compliance with the Decree and the water rights of the Companies. Such records will be made available to the State Engineer and River Commissioner.
5. Storage water of the Companies in Echo and East Canyon Reservoirs may be called upon at any time by the irrigation season to augment the flows available to the Companies and Morgan Secondary under their water rights.
6. Duty and acre feet limits for the irrigation season for each water right of each Company will also be respected and complied with.
7. At certain times each of the Companies may shut off their irrigation system to stay within their water right.

Hopefully, these principles are acceptable to you and the State Engineer. Unless we are advised differently by you or the River Commissioner, we intend to implement these principles on June 1, 2008. Please contact me if you have any questions or concerns.

Yours truly,
SMITH HARTVIGSEN PLLC



J. Craig Smith

Cc: President, South Morgan Water Ditch Company
President, Weber Canal Company
President, North Morgan Irrigation Company
President, Welch Field Ditch Company
President, East Richville Ditch Company
Weber River Commissioner
Gene Carter, Morgan Secondary